

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-cv-00629-FL

DEANNA HICKS,)
ON BEHALF OF HERSELF AND)
ALL OTHERS SIMILARLY SITUATED,)

PLAINTIFF,)

v.)

HOUSTON BAPTIST UNIVERSITY,)

DEFENDANT.)

**DEFENDANT’S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION,
FOR JUDGMENT ON THE PLEADINGS, TO STRIKE CLASS ALLEGATIONS, AND
FOR A STAY PENDING DETERMINATION**

COMES NOW Defendant Houston Baptist University (“HBU”), and pursuant to Rules 12(b)(2), 12(c), 12(f), and 26 of the Federal Rules of Civil Procedure, by and through the undersigned counsel, hereby moves this Honorable Court to dismiss Plaintiff’s Complaint pursuant to 12(b)(2), 12(c), 12(f), and 26 for Lack of Personal Jurisdiction, for Judgment on the Pleadings, to Strike Class Allegations, and for a Stay Pending Determination. Defendant’s respectfully show this Honorable Court as follows:

1. The Complaint should be dismissed for lack of personal jurisdiction under Rule 12(b)(2).
2. HBU moves for judgment on the pleadings under Rule 12(c).
3. HBU moves to strike the class allegations pursuant to Rule 12(f).
4. HBU moves to stay the case until this motion has been ruled on by this Honorable Court.
5. This Motion is supported by the pleadings, a memorandum of law, oral argument,

and any other information requested or permitted by this Court.

WHEREFORE, HBU prays, pursuant to Rules 12(b)(2), 12(c), 12(f), and 26 of the Federal Rules of Civil Procedure, that this Court dismiss Plaintiff's Complaint with prejudice.

This the 20th day of June, 2018

Respectfully submitted,

/s/Robert A. Muckenfuss

Robert A. Muckenfuss (NC Bar #28218)

MCGUIREWOODS LLP

201 North Tryon Street, Suite 3000

Charlotte, North Carolina 28202

Telephone: (704) 343-2052

Facsimile: (704) 444-8707

rmuckenfuss@mcguirewoods.com

Elizabeth M. Z. Timmermans

N.C. Bar No. 40205

434 Fayetteville Street, Suite 2600

Raleigh, North Carolina 27601

Telephone: (919) 755-6576

Facsimile: (919) 755-6699

eztimmermans@mcguirewoods.com

CERTIFICATE OF SERVICE

I hereby certify that on **June 20, 2018**, I served a true and correct copy of
DEFENDANT’S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION,
FOR JUDGMENT ON THE PLEADINGS, TO STRIKE CLASS ALLEGATIONS, AND
FOR A STAY PENDING DETERMINATION electronically per agreement via the parties to
all parties registered in this case.

Ted Lewis Johnson
PO Box 5272
Greensboro, NC 27435
Email: tedlewisjohnson@tedlewisjohnson.com

Avi R. Kaufman
400 NW 26th Street
Miami, Florida 33127
Email: kaufman@kaufmanpa.com

Attorneys for Plaintiff Deanna Hicks

/s/Robert A. Muckenfuss
Robert A. Muckenfuss